

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

MICHAEL HOLLINS,

Plaintiff,

v.

//

CIVIL ACTION NO. 1:09CV75
(Judge Keeley)

JAMES N. CROSS, Warden; C. MILTON,
Inmate Systems Manager; C. PULICE,
Unit Manager; MR. DAVIS, Case
Manager; and CONSOLIDATED DESIGNATIONS
AND SENTENCE COMPUTATION CENTER in
Grand Prairie, Texas,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION [DKT. NO. 25]

On June 5, 2009, the pro se petitioner, Michael Hollins ("Hollins"), filed a civil action alleging that the defendants, Consolidated Designation and Sentence and Computation Center of the federal Bureau of Prisons ("CDSCC"), James N. Cross, Mr. Davis, C. Milton, and C. Pulice ("the defendants"), violated his rights under the Privacy Act, 5 U.S.C. § 552a, and other federal law by illegally altering his presentence report, destroying his legal papers, failing to timely deliver his mail, depriving him of access to legal resources, and preventing him from completing the administrative remedy process. As relief, Hollins sought \$150,000 in compensatory damages from each defendant, the restoration of his legal file, and his immediate release. The Court referred this matter to United States Magistrate Judge John S. Kaull ("Magistrate

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Judge Kaull") for initial screening and a report and recommendation in accordance with Local Rule of Prisoner Litigation 72.01.

On November 9, 2009, the defendants filed a motion to dismiss, or in the alternative, motion for summary judgment against Hollins's complaint. (dkt. no. 21). On December 3, 2009, Magistrate Judge Kaull issued a notice pursuant to Roseboro v. Garrison, 528 F.2d 309, 310 (4th Cir. 1975), informing Hollins of the need to file a response to the defendants' motion within thirty days that explained why his case should not be dismissed. (dkt. no. 23). To date, Hollins has filed no response to the defendants' motion.

On March 17, 2010, Magistrate Judge Kaull issued an Opinion and Report and Recommendation ("R&R"), in which he recommended that the motion to dismiss, or in the alternative, motion for summary judgment, be granted, and that the case be dismissed with prejudice. (dkt. no. 25).

The R&R also specifically warned Hollins that his failure to object to the recommendation within fourteen days of receipt of it would result in the waiver of any appellate rights on this issue. Hollins received service of the R&R on March 19, 2010, and has filed no objections to it.¹

¹ The failure to object to the Report and Recommendation not only waives the appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of

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The Court, therefore, **ADOPTS** the R&R in its entirety (dkt. no. 25), **GRANTS** the motion to dismiss, or in the alternative, motion for summary judgment (dkt. no. 21), and **ORDERS** the case **DISMISSED WITH PREJUDICE** and stricken from the Court's docket.

It is so **ORDERED**.

The Court directs the Clerk to transmit a copy of this Order to counsel of record, and to mail a copy to the pro se petitioner, certified mail, return receipt requested.

Dated: April 8, 2010.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE

the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-53 (1985); and Wright v. Collins, 766 F.2d 841 (4th Cir. 1985).